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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/31/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,321

Applicant(s)

LAPUYADE ET AL

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/2/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-9 and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,198,696 issued to Korpi et al (hereafter Korpi).

Claim 1:

Korpi '696 discloses:

- storing an event associated with a block of time [Fig 1, item 16, column 4, lines 6-16]
- storing a time zone attributed with the event [col 4, lines 13-16]
- establishing a display time for display of events [Fig 1, item 32 and col 4, lines 61-66]
- translating the block of time associated with the event from the stored time zone to the display time zone [col 4, lines 61-66]
- displaying the event as occurring at the translated block of time [Fig 1, item 30]

Claim 3:

Korpi '696 discloses wherein the display time zone is established by a user selection through a user interface element [Fig 2, item 42]

Claim 4:

Korpi '696 discloses wherein the display time zone established by receiving a message indicating that a time zone change has occurred [col 3, lines 28-43]

Claim 5:

Korpi '696 discloses wherein the message is received from a network service provider [col 3, lines 28-43]

Claim 6:

Korpi '696 discloses wherein the establishing of the display time zone further comprises receiving an input from a user confirming a change in time zone [col 3, lines 28-43]

Claim 7:

Korpi '696 discloses the method is carried out in a palmtop computer [col 3, lines 28-43]

Claim 8:

Korpi '696 discloses an electronic storage medium storing instructions when carried out on a programmed processor [col 1, lines 13-30]

Claim 9:

Korpi '696 discloses:

- a programmed processor [Fig 1, item 18]
- a display [Fig 1, 30]
- a calendar [col 4, line 8] application running on the programmed processor to store an event associated with a block of time, the calendar further operating to
- store an event time zone attribute associated with the event [Fig 3, item 48]
- store a display time zone for display of events [Fig 3, item 54]

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- translate the block time associated with the event from the stored time zone to the display time zone [Fig 2, item 44]
- means for displaying the event as occurring at the translated block of time on the display [Fig 2, item 46]

Claim 11:

Korpi '696 discloses wherein the display time zone established by receiving a message indicating that a time zone change has occurred [col 3, lines 28-43]

Claim 12:

Korpi '696 discloses wherein the establishing of the display time zone further comprises receiving an input from a user confirming a change in time zone [col 3, lines 28-43]

Claim 13:

Korpi '696 discloses a user interface [Fig 1, item 22]

Claim 14:

Korpi '696 discloses establishing the display time zone by a user selection from a display time zone user interface element forming part of the user interface [col 3, lines 28-43].

Claim 15:

Korpi '696 discloses wherein the display time zone user interface element forming part of the user interface comprises a display time zone menu [col 2, lines 54-65]

Claim 16:

Korpi '696 discloses establishing the event time zone by a user selection from an event time zone user interface element forming part of the user interface [col 3, lines 28-43].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpi '696 in view of Pub No US 2003/0009411 issued to Ram et al (hereafter Ram '411)

Claim 2:

Korpi '696 discloses the elements of claim 1 as noted above.

Korpi '696 fails to disclose wherein the event is displayed in a daily time grid.

Ram '411 discloses wherein the event is displayed in a daily time grid [paragraph 269]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Korpi '696 to include wherein the event is displayed in a daily time grid as taught by Ram '411].

The ordinarily skilled artisan would have been motivated to modify Korpi '696 per the above for the purpose of providing a graphical display that is easily understood by a user.

Claim 10:

Korpi '696 discloses the elements of claim 9 as noted above.

Korpi '696 fails to disclose wherein the event is displayed in a daily time grid.

Ram '411 discloses wherein the event is displayed in a daily time grid [paragraph 269]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Korpi '696 to include wherein the event is displayed in a daily time grid as taught by Ram '411].

The ordinarily skilled artisan would have been motivated to modify Korpi '696 per the above for the purpose of providing a graphical display that is easily understood by a user.

5. Claims 17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpi '696 in view of US Pat No 6,631,402 issued to Devine et al (hereafter Devine '402).

Claim 17:

Korpi '696 discloses the elements of claim 16 as noted above.

Korpi fails to disclose wherein the event time zone user interface element forming part of the user interface comprises a time zone menu

Devine '402 discloses wherein the event time zone user interface element forming part of the user interface comprises a time zone menu [Fig 9 ( c ) and col 18, lines 18-25]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Korpi '696 to include wherein the event time zone user interface element forming part of the user interface comprises a time zone menu as taught by Devine '402.

The ordinarily skilled artisan would have been motivated to modify Korpi '696 per the above for the purpose of providing a graphical display that is easily understood by a user.

Claim 19:

Korpi '696 discloses:

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- a programmed processor [Fig 1, item 18]
- a display [Fig 1, item 30]
- a user interface [Fig 1, item 22]
- a calendar application running [col 4, lines 8-10] on the programmed processor to store an event associated with a block of time, the calendar application further operating to:
  - store an event time zone attribute associated with the event [col 4, lines 53-56]
  - store a display time zone for display events [Fig 1, item 14 and col 4, lines 17-25]
  - translate the block of time associated with the event from the stored time zone to the display time zone [col 5, lines 37-53]
- wherein the display time zone is established by a user selection from a display time zone user interface element forming part of the user interface [col 5, lines 12-20]
- wherein the event time zone is established by a user selection from an event time zone user interface element forming part of the user interface [Fig 2, item 42]

Korpi '696 discloses the elements of claim 19 as noted above.

Korpi '696 fails to disclose a means for displaying the event as occurring at the translated block of time in a daily time grid on the display

Devine '402 discloses wherein the event time zone user interface element forming part of the user interface comprises a time zone menu [Fig 9 ( c ) and col 18, lines 18-25]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Korpi '696 to include wherein the event time zone user interface element forming part of the user interface comprises a time zone menu as taught by Devine '402.



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The ordinarily skilled artisan would have been motivated to modify Korpi '696 per the above for the purpose of providing a graphical display that is easily understood by a user.

Claim 20:

Korpi '696 discloses wherein the display time zone may further be established by receiving a message indicating that a time zone change has occurred, and receiving an input from a user confirming a change in time zone [col 3, lines 28-43]

Claim 21:

Korpi '696 discloses wherein the event time zone user interface element forming part of the user interface comprises an event time zone menu [col 3, lines 28-43]

Claim 22:

Korpi '696 discloses wherein the display time zone user interface element forming part of the user interface comprises a display time zone menu [col 2, lines 54-65]

***Response to Arguments***

Applicant's arguments filed 2/2/04 have been fully considered but they are not persuasive.

**First Applicant Argument:**

Applicant states in the first paragraph on page 10 "The claimed limitations of the present invention uses a reference time that is independent of the planned events."

**First Applicant Response:**

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant

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relies (i.e., a reference time that is independent of the planned events) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**Second Applicant Argument:**

Applicant states in the second paragraph on page 11 “as stated above, Korpi and the claimed invention are different. Korpi actually teaches away from the claimed invention by associating the reference time with an anticipated travel event. Ram does not remedy the deficiencies in Korpi.

**Second Examiner Response:**

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, applicant is referred to supra examiner response regarding rebuttal of associating the reference time with an anticipated travel event.

**Third Applicant Argument:**

Applicant states in the first paragraph on page 12 “As stated above, Korpi and the claimed invention are very different. Korpi actually teaches away from the claimed invention by associating the reference time with an anticipated travel event.”

**Third Examiner Response:**

Examiner is not persuaded. Applicant is referred to supra response

**Fourth Applicant Argument:**

Applicant states in the first paragraph on page 12 “Devine does not remedy the deficiencies in Korpi.”

**Fourth Examiner Response:**

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

3/30/04



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